

**GOVERNMENT OF INDIA  
PANCHAYATI RAJ  
LOK SABHA**

UNSTARRED QUESTION NO:1825  
ANSWERED ON:12.03.2008  
ENFORCEMENT OF PANCHAYATI RAJ ACT  
Reddy Shri Karunakara G.

**Will the Minister of PANCHAYATI RAJ be pleased to state:**

- (a) whether Panchayati Raj Act has not been implemented in several States of the country;
- (b) if so, the details thereof and the reasons therefor; and
- (c) the steps taken/proposed to be taken by the Union Government to ensure proper implementation of Panchayati Raj Act in all the States?

**Answer**

MINISTER OF THE STATE IN THE MINISTRY OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR)

(a) and (b): The 73rd Constitutional Amendment incorporated Part IX covering Article 243 and Articles 243A to 243O in the Constitution of India. All 24 States to which the provisions of Part IX of the Constitution apply have enacted Panchayati Raj legislation. The State Panchayati Raj Acts define the contours of implementation of Panchayati Raj in different States. In pursuance of Article 243B of the Constitution, all States to which provisions of this constitutional amendment apply (except Jharkhand) have constituted Panchayats. All the States have provided for the reservation of seats for SC, ST and women in conformity with Article 243D. The States of Bihar and Madhya Pradesh have amended their State Acts to provide for 50% reservation to women and Sikkim provides for 40%. Except Jharkhand (where Panchayat elections have not been held as the quantum of reservation for STs is sub judice before the Supreme Court), elections to Panchayats in all the States/ UTs have by and large, been held regularly in conformity with Article 243E. Also, all the States have constituted State Election Commissions which have the mandate to ensure compliance with the provisions enshrined in Article 243F. In conformity with Article 243 K, all State Governments have constituted State Election Commissions to ensure free and fair elections to the PRIs on the completion of each five year cycle and also to fill the casual vacancies that may arise during the cycle.

Article 243 G provides for 'devolution,' that is, the empowerment of Panchayati Raj Institutions to function as 'institutions of self government' for the twin purposes of

- (i) making plans for economic development and social justice for their respective areas, and
- (ii) implementing programmes of economic development and social justice in their respective areas, for the subjects devolved to the PRIs, including those listed in the Eleventh Schedule, and subject to such conditions as the State may, by law, specify. The formal devolution through State legislation needs to be translated into the actual transfer of activities relating to devolved functions to Panchayats at different levels through executive orders, instructions and administrative arrangements. Such transfer of powers and responsibilities will need to be matched by the corresponding transfer of funds and functionaries so that Panchayats can perform their role as institutions of self-government in the spirit of the 73rd Constitutional Amendment. The position in this regard varies from State to State.

In the spirit of Article 243H, State Governments have been regularly pursued to provide untied grants to the Panchayats from the Consolidated Fund of the States and to open a Panchayat sector window in their State budgets to supplement the resources of the Panchayati Raj Institutions.

In pursuance of Article 243M of the Constitution, Parliament has enacted the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996. This Act extends the provisions of Part IX of the Constitution to the Fifth Schedule areas of nine States, i.e., Andhra Pradesh, Orissa, Chhattisgarh, Jharkhand, Rajasthan, Madhya Pradesh, Gujarat, Himachal Pradesh and Maharashtra that are listed in the Fifth Schedule to the Constitution. All the States concerned have enacted conformity legislation related to this Act.

(c): Since Panchayati Raj is essentially a State subject, the Ministry has worked closely with States to develop and operationalise a national consensus on the measures to be taken to strengthen Panchayati Raj and ensure that Panchayats function as institutions of self-government as envisaged in Part IX of the Constitution. Such a consensus, arrived at through detailed consultations with States through seven Round Tables of State Ministers of Panchayati Raj held between July and December 2004, touches upon the effective devolution of functions, finances and functionaries, planning, empowerment of Gram Sabhas, issues relating to reservation for SCs/STs, and women, elections, maintenance of accounts and audit, Panchayats vis-a-vis parallel bodies, capacity building and training of elected representatives, preparation of a State of the Panchayats Report and work on Panchayati Raj jurisprudence. The consensus decisions are reviewed through a host of consultations, review meetings and intensive tours to States and Panchayats. The Ministry of Panchayati Raj regularly assesses the ground realities regarding the devolution of powers and responsibilities upon Panchayats through the institutional mechanism of meetings of the Council of State Ministers of Panchayati Raj, the Committee of

Chief Secretaries of States and Panchayati Raj Secretaries and the Empowered Sub-Committee of National Development Council on Administrative and Financial Empowerment of PRIs. State-specific road maps for devolution of powers and responsibilities to Panchayats have been arrived at following intensive tours by the Union Minister of Panchayati Raj, in respect of twenty two States and Union Territories. This road map, contained in a Statement of Conclusions jointly signed with the Chief Minister of the State concerned, highlights the key points of action on which the State would move to operationalise the recommendations of the Round Tables with a special focus on devolution of funds, functions and functionaries to Panchayats.

In 2006-07, the Ministry of Panchayati Raj undertook a Mid-term Review and Appraisal of the State of the Panchayats based on information sourced from State Governments/UT Administrations in fulfillment of the commitment made by the Ministry at the Fourth Round Table of Panchayati Raj Ministers held in Srinagar in October 2004. This Report was tabled in Parliament on 23 November, 2006 and discussed in Lok Sabha during December 2006. The Ministry has also entrusted to the Institute of Rural Management, Anand the task of undertaking an independent evaluation of the State of Panchayati Raj in States and UTs, which would, inter alia, contain independent assessments of States in respect of the scope and ambit of empowerment of their respective Panchayats. The Ministry of Panchayati Raj has also commissioned studies by independent agencies on the role and functioning of Panchayats.

State laws express the mandate on the functions and activities devolved to the Panchayats in different modes. They might contain elaborate provisions laying out the details of functions assigned to Panchayats, or undertake it through a schedule to the State law, or through a combination of both approaches. This causes some element of non-standardization in the reporting of the devolution of functions by States. While some tend to report a high range of devolution by counting individual activities assigned under law separately as `subjects` devolved, others tend to give reports in terms of `departments` devolved.

It is a common experience that legislative devolution by States often remains on paper and needs to be patterned from an Activity Map, followed up with executive orders, which define precisely the devolution to different tiers of Panchayati Raj system of activities related to different functions but also devolve the required finances and place functionaries with the Panchayats in accordance with the Activity Map for the effective performance of the devolved functions. The Ministry of Panchayati Raj has commenced undertaking a nuanced and critical analysis of functional devolution to Panchayats in States, which is considering all aspects of devolution in detail.